THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.6561 OF 2002

DATED:17.2.2006

Between:

P. Surya Rao

…Petitioner

And

The District Collector and

Agent to the Government,

E.G.District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.6561 OF 2002

ORDER:

This matter arises out of an order passed by second respondent in L.T.R.P.No.93 of 2000 under A.P. Scheduled Areas Land Transfer Regulations, 1959 (for short, the Regulations), as amended by Regulation 1 of 1970. The petitioner claims to have occupied land in S.No.95/2B admeasuring Acs.8.52 in 1977. On an application given by six persons, namely, Redeji Veeraswamy, Redeji Sanyasi Rao, Bennoji Sattibabu, Redeji Sankurayya, Ganta Rambabu and Jarta Satyanarayana of Yellavaram Village, second respondent initiated action under the Regulations and issued notice of eviction to petitioner. The petitioner appeared, but did not produce any evidence of patta or document justifying his possession. Therefore, second respondent in exercise of powers under Section 3 of the Regulations ordered

eviction of petitioner and further directed the Mandal Revenue Officer, Addateegala, and assign the land to six applicants before him. Against the order passed by second respondent an appeal would lie to the Agent to the Government, District Collector, as per Section 3(3) of the Regulations. However, the petitioner did not file any appeal. He has directly approached this Court.

This Court while admitting the Writ Petition on 10.4.2002 ordered status quo for a period of one week and further observed that it shall be open to the petitioner to avail alternative remedy. Even thereafter, the petitioner did not file any appeal before first respondent. As the Writ Petition has been kept pending before this Court for more than three years, this Court heard the matter finally, and the Writ Petition is being disposed of at the interlocutory stage.

The Writ Petition suffers from two defects. One is, though M/s.Redeji Veeraswamy and five others initiated action under the Regulations and an order was passed in their favour, they are not made parties to this Writ Petition. It is contended that the applicants before second respondent have nothing to do with the land in justification of non-joinder of necessary parties. This cannot be a ground to entertain the Writ Petition in view of settled position that unless and until persons who are likely to affect by Writ are made parties, this Court cannot exercise jurisdiction under Article 226 of the Constitution of India. The second defect is that after receiving notice, the petitioner appeared before second respondent and stated that he has no interest over the land and that as per record his name was noted as enjoyer of the land in the adangal of Yellavaram Village. When the petitioner pleaded disinterest in the land, there cannot be said to have any case to challenge the impugned order in this Writ Petition.

The Writ Petition is accordingly dismissed.

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(V.V.S.RAO, J)

17.2.2006

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